



HON. SYLVIA O. HINDS-RADIX
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April 19, 2023

VIA ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: N.B. et al. v. N.Y.C. Dep't of Educ., 22-cv-10780 (KPF)(KHP)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et. seq.* ("IDEA"), as well as for this action.

The undersigned submits this letter in accordance with Your Honor's order on January 12, 2023 (ECF No. 10) and respectfully requests that the Court adjourn the Initial Pretrial Conference scheduled for April 28, 2023, and attendant submission of the Case Management Plan and proposed Scheduling Order, *sine die*. We note that this case is essentially a simple fee application with no discovery and without liability at issue.

This is the second request for the adjournment of the Initial Pretrial Conference, the first having been granted on January 12, 2023 (ECF No. 10), when Your Honor granted an adjournment over Plaintiff's refusal to consent to request the Court adjourn *sine die*. Since Defendant's last request for an adjournment the parties have begun settlement discussions, but not yet reached an agreement. The requested adjournment with allow time for the parties to continue good-faith settlement discussions and hopefully reach an agreement. Indeed, this office has settled all of the many dozens of similar IDEA fees-only cases brought by plaintiffs represented by the Dayan firm in recent years without the need to burden the court with any motion practice or conferences.

Accordingly, Defendant respectfully requests that the Court adjourn the Initial Pretrial Conference, *sine die*.

Thank you for considering this request.

Respectfully submitted,

/s/

Lauren Howland
Special Assistant Corporation Counsel

cc: Adam Dayan, Esq. (via ECF)

Application GRANTED. The parties are directed to file a joint status letter with the Court on or before **June 9, 2023**, regarding the status of settlement discussions.

The Clerk of Court is directed to terminate the pending motion at docket number 12.

Dated: April 20, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE